

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GREGORY SCOTT HENRY,

Defendant.

CR-11-24-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Amended Findings and Recommendations in this matter on March 26, 2020. (Doc. 88.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on March 17, 2020. (Doc. 81.) The United States accused Henry of violating his conditions of supervised release 1) by using methamphetamine ; 2) by failing to reside at a Residential Reentry Center; 3) by committing other crimes; and 4) by possessing methamphetamine. (Doc. 79.)

At the revocation hearing, Henry admitted that he had violated a condition of his supervised release 1) by failing to reside at a Residential Reentry Center; 2) by using methamphetamine; and 3) by committing misdemeanor crimes. Henry denied that he had committed the felony crime referenced in alleged violation 3, and Henry denied alleged violation 4. The government did not attempt to prove the alleged violations that Henry denied (81.) Judge Johnston found that Henry's violations warranted revocation, and recommended that Henry should receive a custodial sentence of 8 months of custody, with 28 months of supervised release to follow. Henry waived his right to allocute before the undersigned and the 14 day right to appeal. (Doc. 81.)

The violations prove serious and warrant revocation of Henry's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Amended Findings and Recommendations (Doc. 88) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendant Gregory Scott Henry be incarcerated for a term of 8 months with credit for time served on the related state court charges, with 28 months of supervised release to follow.

DATED this 30th day of March, 2020.

A handwritten signature in blue ink that reads "Brian Morris". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Brian Morris, Chief District Judge
United State District Court

